

Notice of Allowability

Application No.

09/610,357

Examiner

Ricardo Pizarro

Applicant(s)

ENNS ET AL.

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Response received 5/2/05.
2. ☒ The allowed claim(s) is/are 2-7, 9, 34, 64-69, 90-95 and 97-99. They have been renumbered 1-6, 7, 8, 9-14, 15-20 and 21-23.
3. ☒ The drawings filed on 7/5/00 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Examiner's Amendment

1. An Examiner's amendment for the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Mr. Kenneth Hill on 8/5/05

CLAIMS HAVE BEEN AMENDED AS FOLLOW:

Claim 2

In line 16 " a first identified remote data processor" has been replaced with -said first identified remote data processor- .

Examiner's statement of reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

For claims 2, 6, and 9, no prior art of record was found for a two-way asymmetric communication system having independently scalable upstream and downstream paths, comprising a common routing /switching backplane, an independent upstream controller and independent downstream controller both in communication with the backplane, a network manager in communication with both controllers and wherein multiple sub-channel are included in a downstream

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path and a bandwidth manager for dynamically balancing traffic loads in the downstream path.

For claim 34, no prior art of record was found for in an asymmetric network having respective upstream and downstream path, comprising plural downstream channels, a network manager that controls bandwidth management of downstream bandwidth , and wherein said manager includes routines for detecting request for bandwidth; and wherein remote devices include operative routines for determining and gathering statistical data to be reported to the network manager , said reported data being used for allocating upstream channels.

For claim 64 ,no prior art of record was found for an asymmetric network comprising a first controller to generate a configuration control packets, a second controller to generate a bandwidth management control packet, a third controller located at at least one of several remote devices that responds to the configuration pa by transmitting information in the upstream channel in accordance with the control information received.

For claim 90,no prior art of record was found for a remote device for use in an asymmetric network, comprising an RF interface for high speed transmission, a microprocessor controller for receiving control packets form the network management system and wherein the microprocessor controller is responsive to the control packets to effect operation of the RF interface and apply error correction to information packets, which are transmitted upstream the network management.

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1. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is (7571) 272-3077. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:00 PM. The fax number for this Group is (571) 273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Hassan Kizou** can be reached on (571) 272-3088.

August 3, 2005

Ricardo Pizarro



HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
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